



February 20, 2015

HOUSE BILL No. 1404

DIGEST OF HB 1404 (Updated February 18, 2015 1:34 pm - DI 96)

Citations Affected: IC 8-23; IC 9-13; IC 9-19; IC 9-21; IC 16-41; IC 33-37; IC 34-28.

Synopsis: Traffic violations. Provides that certain entities may enter into agreements to use recorded images to enforce certain traffic violations. Imposes civil penalties for traffic violations enforced by camera enforcement. Provides that an enforcement agreement must provide for distribution of civil penalties among the parties to the agreement, and to various funds. Amends the definition of "highway work zone" and renames the term as "work zone". Repeals the definition of "worksite". Defines "critical work zone" for purposes of enforcing work zone speed limits. Removes the requirement that workers be present in a work zone for certain work zone offenses to be enforceable.

Effective: July 1, 2015.

Soliday, DeLaney, Smith M

January 14, 2015, read first time and referred to Committee on Roads and Transportation.
February 19, 2015, amended, reported — Do Pass.

HB 1404—LS 6890/DI 103



February 20, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1404

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 8-23-2-15, AS AMENDED BY P.L.217-2014,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 15. (a) As used in this section, "highway "work
4 zone" means an area ~~where:~~ **of a highway:**
5 (1) ~~highway where~~ construction, reconstruction, ~~or~~ maintenance,
6 **or utility relocation** is ~~actually~~ occurring, **including lanes or**
7 **other channeling devices leading to the area;** and
8 (2) ~~notice is posted indicating that the highway work zone is a~~
9 **specific area that is** designated with signage ~~on the highway: that~~
10 **identifies the beginning and end of the work zone.**
11 (b) The department may contract with the state police department
12 or local law enforcement agencies to hire off duty police officers to
13 patrol ~~highway~~ work zones. The duties of a police officer who is hired
14 under this section:
15 (1) are limited to those duties that the police officer normally

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performs while on active duty; and

(2) do not include the duties of a:

(A) flagman; or

(B) security officer.

(c) The department shall use the money transferred to the department under IC 33-37-9-4(a)(6) to pay the costs of hiring off duty police officers to perform the duties described in subsection (b).

(d) All money transferred to the department under IC 33-37-9-4(a)(6) is annually appropriated to pay off duty police officers to perform the duties described in subsection (b).

SECTION 2. IC 8-23-2-15.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 15.1. (a) The department shall rename the Indiana Work Site Traffic Control Manual the "Indiana Work Zone Traffic Control Manual".**

(b) The department shall amend the Indiana Manual on Uniform Traffic Control Devices, the Indiana Work Zone Traffic Control Manual, and any other necessary forms or publications in a manner consistent with section 15 of this chapter.

(c) This section expires December 31, 2016.

SECTION 3. IC 9-13-2-39.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 39.7. "Critical work zone" means an area:**

(1) that is located within a work zone;

(2) in which:

(A) the normal path is offset;

(B) the road surface is significantly disturbed; or

(C) road machinery is located; and

(3) that is designated with signage that identifies the beginning and end of the critical work zone.

SECTION 4. IC 9-13-2-64 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 64. "Flagman" means an authorized person directing traffic in accordance with the provisions of this title at a ~~worksite~~ work zone.**

SECTION 5. IC 9-13-2-200 IS REPEALED [EFFECTIVE JULY 1, 2015]. **Sec. 200. "Worksite" means a location or area upon which:**

(1) a public purpose construction or maintenance activity; or

(2) a private purpose construction or maintenance activity that is authorized by a governmental agency;

is being performed on a highway. The term includes the lanes of a highway leading up to the area upon which an activity described in subdivision (1) or (2) is being performed, beginning at the point where



appropriate signs directing vehicles to merge from one ~~(1)~~ lane into another lane are posted.

SECTION 6. IC 9-13-2-200.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 200.1. "Work zone" has the meaning set forth in IC 8-23-2-15.**

SECTION 7. IC 9-19-13-1, AS AMENDED BY P.L.1-2005, SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. The state school bus committee established by IC 20-27-3-1 shall adopt and enforce rules under IC 4-22-2 not inconsistent with this chapter **or IC 9-21-22** to govern the design and operation of all school buses used for the transportation of school children when owned and operated by a school corporation or privately owned and operated under contract with an Indiana school corporation. The rules must by reference be made a part of such a contract with a school corporation. Each school corporation, officer and employee of the school corporation, and person employed under contract by a school district is subject to those rules.

SECTION 8. IC 9-21-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) Except as provided in subsections (b) and (c), all rules of statewide application shall be adopted under IC 4-22-2.

(b) Traffic regulations carrying a penalty for violation and requiring the use of signs or markers to make them effective need not be adopted under IC 4-22-2.

(c) Traffic regulations, except maximum speed limits and ~~worksite~~ **work zone** speed limits, shall be officially adopted by order of the Indiana department of transportation.

SECTION 9. IC 9-21-4-20, AS ADDED BY P.L.40-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 20. (a) For purposes of this section, ~~"highway"~~ "work zone" has the meaning set forth in IC 8-23-2-15.

(b) The Indiana department of transportation shall design and manufacture or have manufactured signs that inform vehicle operators of the **following**:

(1) Offenses and penalties under:

~~(1)~~ (A) IC 9-21-5-11; and

~~(2)~~ (B) IC 9-21-8-56.

(2) **The use of camera enforcement to enforce violations of IC 9-21-5-11 in a critical work zone, including applicable penalties under IC 9-21-22-12.**

(c) A sign described in subsection ~~(b)~~ (b)(1) shall be posted at a



reasonable distance before a ~~highway~~ work zone by:

- (1) the Indiana department of transportation;
 - (2) a political subdivision; or
 - (3) a contractor of the:
 - (A) Indiana department of transportation; or
 - (B) political subdivision;
- that is working at the ~~highway~~ work zone.

A sign that is posted before a ~~highway~~ work zone must be posted in accordance with the Indiana Manual on Uniform Traffic Control Devices or the Indiana Work ~~Site~~ **Zone** Traffic Control Manual.

(d) A sign described in subsection (b)(2) shall be posted at a reasonable distance before a critical work zone by:

- (1) the Indiana department of transportation;**
 - (2) a political subdivision; or**
 - (3) a contractor of the:**
 - (A) Indiana department of transportation; or**
 - (B) political subdivision;**
- that is working at the critical work zone.**

A sign that is posted before a critical work zone must be posted in accordance with the Indiana Manual on Uniform Traffic Control Devices or the Indiana Work Zone Traffic Control Manual.

SECTION 10. IC 9-21-5-3, AS AMENDED BY P.L.1-2006, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. The maximum speed limits set forth in section 2 of this chapter may be altered as follows:

- (1) By local jurisdictions under section 6 of this chapter.
- (2) By the Indiana department of transportation under section 12 of this chapter.
- (3) For the purposes of speed limits on a highway on the national system of interstate and defense highways, by order of the commissioner of the Indiana department of transportation to conform to any federal regulation concerning state speed limit laws.
- (4) ~~In worksites;~~ **work zones**, by all jurisdictions under section 11 of this chapter.

SECTION 11. IC 9-21-5-11, AS AMENDED BY P.L.66-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) Subject to subsection (b), the Indiana department of transportation, the Indiana finance authority, or a local authority may establish temporary maximum speed limits in their respective jurisdictions and in the vicinity of a ~~worksite~~ **work zone** without conducting an engineering study and investigation required



under this article. The establishing authority shall post signs notifying the traveling public of the temporary maximum speed limits established under this section.

(b) ~~Worksite~~ **Work zone** speed limits set under this section must be at least ten (10) miles per hour below the maximum established speed limit.

(c) A ~~worksite~~ **work zone** speed limit set under this section may be enforced only if

~~(1) workers are present in the immediate vicinity of the worksite;~~
or

~~(2) if workers are not present in the immediate vicinity of the worksite, the establishing authority determines that the safety of the traveling public requires enforcement of the worksite speed limit; the work zone is designated with signage as described in IC 8-23-2-15(a)(2).~~

(d) Notwithstanding IC 34-28-5-4(b), a judgment for the infraction of violating a speed limit set under this section must be entered as follows:

(1) If the person has not previously committed the infraction of violating a speed limit set under this section, a judgment of at least three hundred dollars (\$300).

(2) If the person has committed one (1) infraction of violating a speed limit set under this section in the previous three (3) years, a judgment of at least five hundred dollars (\$500).

(3) If the person has committed two (2) or more infractions of violating a speed limit set under this section in the previous three (3) years, a judgment of one thousand dollars (\$1,000).

(e) Notwithstanding IC 34-28-5-5(c), the funds collected as judgments for the infraction of violating a speed limit set under this section shall be transferred to the Indiana department of transportation to pay the costs of hiring off duty police officers to perform the duties described in IC 8-23-2-15(b).

(f) A work zone speed limit set under this section may be enforced in a critical work zone by camera enforcement under IC 9-21-22.

SECTION 12. IC 9-21-5-13, AS AMENDED BY P.L.231-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) Except as provided in subsections (b) and (c), a person who violates this chapter commits a Class C infraction.

(b) A person who exceeds a speed limit that is:

(1) established under section 6 of this chapter and imposed only in the immediate vicinity of a school when children are present;



or
 (2) established under section 11 of this chapter and imposed only
 in the immediate vicinity of a worksite when workers are present;
a work zone;
 commits a Class B infraction.

(c) A person who while operating a school bus knowingly or
 intentionally exceeds a speed limit set forth in section 14 of this chapter
 commits a Class C misdemeanor.

SECTION 13. IC 9-21-8-7.5 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7.5. (a) This section
 applies to a ~~worksite~~ **work zone**:

(1) upon a highway divided into two (2) or more marked lanes for
 traffic moving in the same direction; and

(2) for which vehicles are instructed to merge from one (1) lane
 into another lane by an appropriate sign.

(b) A person who drives a vehicle may not pass another vehicle that
 is in the lane into which traffic is directed to merge within the posted
 no passing zone established by the Indiana department of
 transportation.

SECTION 14. IC 9-21-8-41, AS AMENDED BY P.L.217-2014,
 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2015]: Sec. 41. (a) A person who drives a vehicle may not
 disobey the instructions of an official traffic control device placed in
 accordance with this article unless otherwise directed by a police
 officer.

(b) When a traffic control device or flagman is utilized at a ~~worksite~~
~~on a highway~~ **work zone** for traffic control, a person who drives a
 vehicle shall exercise extraordinary care to secure the mutual safety of
 all persons and vehicles at the ~~worksite~~ **work zone**.

(c) All traffic shall observe and obey traffic control devices
 including signals, signs, and warnings, and all directions, signs, or
 warning devices that may be given or displayed by a police officer or
 flagman to safely control traffic movement at a ~~worksite~~ **work zone**
 and promote safety at a ~~worksite~~ **work zone**.

SECTION 15. IC 9-21-8-52, AS AMENDED BY P.L.217-2014,
 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2015]: Sec. 52. (a) A person who operates a vehicle and who
 recklessly:

(1) drives at such an unreasonably high rate of speed or at such an
 unreasonably low rate of speed under the circumstances as to:

(A) endanger the safety or the property of others; or

(B) block the proper flow of traffic;



(2) passes another vehicle from the rear while on a slope or on a curve where vision is obstructed for a distance of less than five hundred (500) feet ahead;

(3) drives in and out of a line of traffic, except as otherwise permitted; or

(4) speeds up or refuses to give one-half (1/2) of the roadway to a driver overtaking and desiring to pass;

commits a Class B misdemeanor.

(b) A person who operates a vehicle and who recklessly passes a school bus stopped on a roadway when the arm signal device specified in IC 9-21-12-13 is in the device's extended position commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if it causes bodily injury to a person. **A recorded image (as defined in IC 9-21-22-5) may be used as evidence in a criminal proceeding under this subsection.**

(c) If an offense under subsection (a) or (b) results in damage to the property of another person or bodily injury to another person, it is a Class C misdemeanor and the court may recommend the suspension of the current driving license of the person for a fixed period of not more than one (1) year.

SECTION 16. IC 9-21-8-56, AS AMENDED BY P.L.217-2014, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 56. (a) For purposes of this section, "highway work zone" has the meaning set forth in IC 8-23-2-15.

(b) Except as provided in subsections (f) through (h), a person who recklessly operates a vehicle in the immediate vicinity of a highway work zone ~~when workers are present~~ commits a Class A misdemeanor.

(c) Except as provided in subsections (f) through (h), a person who knowingly or intentionally operates a motor vehicle in the immediate vicinity of a highway work zone ~~when workers are present~~ with the intent to:

(1) damage traffic control devices; or

(2) inflict bodily injury on a worker;

commits a Class A misdemeanor.

(d) Except as provided in subsections (f) through (h), a person who knowingly, intentionally, or recklessly engages in:

(1) aggressive driving, as defined in section 55 of this chapter; or

(2) a speed contest, as prohibited under IC 9-21-6-1;

in the immediate vicinity of a highway work zone ~~when workers are present~~ commits a Class A misdemeanor.

(e) Except as provided in subsections (f) through (h), a person who recklessly fails to obey a traffic control device or flagman, as



1 prohibited under section 41 of this chapter, in ~~the immediate vicinity~~
 2 ~~of a highway a work zone when workers are present~~ commits a Class
 3 A misdemeanor.

4 (f) An offense under subsection (b), (c), (d), or (e) is a Level 6
 5 felony if the person who commits the offense:

6 (1) has a prior unrelated conviction under this section in the
 7 previous five (5) years; or

8 (2) is operating the vehicle in violation of IC 9-30-5-1 or
 9 IC 9-30-5-2.

10 (g) An offense under subsection (b), (c), (d), or (e) is a Level 6
 11 felony if the offense results in bodily injury to a worker in ~~the worksite.~~
 12 **a work zone.**

13 (h) An offense under subsection (b), (c), (d), or (e) is a Level 5
 14 felony if the offense results in the death of a worker in ~~the worksite.~~ **a**
 15 **work zone.**

16 (i) A person who knowingly, intentionally, or recklessly engages in
 17 an act described in section 55(b)(1), 55(b)(2), 55(b)(3), 55(b)(4),
 18 55(b)(5), or 55(b)(6) of this chapter in ~~the immediate vicinity of a~~
 19 ~~highway a work zone when workers are present~~ commits a Class B
 20 infraction. Notwithstanding IC 34-28-5-5(c), the funds collected as
 21 judgments for an infraction under this subsection shall be transferred
 22 to the Indiana department of transportation to pay the costs of hiring off
 23 duty police officers to perform the duties described in IC 8-23-2-15(b).

24 SECTION 17. IC 9-21-12-1, AS AMENDED BY P.L.217-2014,
 25 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2015]: Sec. 1. (a) A person who drives a vehicle that:

27 (1) meets or overtakes from any direction a school bus stopped on
 28 a roadway and is not stopped before reaching the school bus when
 29 the arm signal device specified in IC 9-21-12-13 is in the device's
 30 extended position; or

31 (2) proceeds before the arm signal device is no longer extended;
 32 commits a Class A infraction.

33 (b) This section is applicable only if the school bus is in substantial
 34 compliance with the markings required by the state school bus
 35 committee.

36 (c) There is a rebuttable presumption that the owner of the vehicle
 37 involved in the violation of this section committed the violation. This
 38 presumption does not apply to the owner of a vehicle involved in the
 39 violation of this section if the owner routinely engages in the business
 40 of renting the vehicle for periods of thirty (30) days or less.

41 (d) **A violation of subsection (a) may be enforced by camera**
 42 **enforcement under IC 9-21-22.**



SECTION 18. IC 9-21-22 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 22. Camera Enforcement of Traffic Violations

Sec. 1. As used in this chapter, "camera enforcement" means the enforcement of a traffic violation through an enforcement agreement.

Sec. 2. As used in this chapter, "enforcement agreement" means an agreement entered into under section 8 of this chapter.

Sec. 3. As used in this chapter, "local authority" has the meaning set forth in IC 9-13-2-94(b).

Sec. 4. As used in this chapter, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

Sec. 5. As used in this chapter, "recorded image" means a digital image that:

- (1) is recorded by a camera that is:
 - (A) mounted on a school bus; or
 - (B) installed at a critical work zone; under an enforcement agreement; and
- (2) shows the date and time the image was recorded.

Sec. 6. As used in this chapter, "school corporation" has the meaning set forth in IC 20-18-2-16(a).

Sec. 7. As used in this chapter, "traffic violation" refers to the following:

- (1) A violation of IC 9-21-5-11 that occurs in a critical work zone.
- (2) A violation of IC 9-21-12-1.

Sec. 8. The following may enter into an enforcement agreement with a contractor to use recorded images to enforce traffic violations:

- (1) The Indiana department of transportation.
- (2) A local authority.
- (3) The Indiana finance authority.
- (4) A school corporation.
- (5) A nonpublic school.

Sec. 9. An enforcement agreement must include the following:

- (1) The names and addresses of all law enforcement agencies:
 - (A) that are authorized to enforce traffic violations; and
 - (B) to which recorded images will be provided for enforcement or evidentiary purposes.
- (2) All traffic violations that may be enforced under the agreement.



1 (3) Any traffic violations or other offenses for which a
2 recorded image may be used for evidentiary purposes.

3 (4) A requirement that a complaint and summons for a traffic
4 violation described in section 7(2) of this chapter may not be
5 issued to the owner of a vehicle unless the issuing law
6 enforcement agency possesses a written report from the
7 operator of the school bus that was passed by the vehicle and
8 that was the subject of the complaint and summons. The
9 written report must:

10 (A) document the alleged violating incident; and

11 (B) have been made contemporaneously with the
12 employment shift of the operator of the school bus when
13 the incident occurred.

14 (5) For an enforcement agreement entered into by a school
15 corporation or a nonpublic school, a requirement that each
16 recorded image must contain electronic verification that the
17 school bus's arm signal device specified in IC 9-21-12-13 was
18 in the device's extended position when the image was
19 recorded.

20 (6) A requirement that a law enforcement agency described in
21 subdivision (1) shall send to the owner of a vehicle that is the
22 subject of a recorded image the following:

23 (A) A complaint and summons for the alleged traffic
24 violation on a form that complies with IC 9-30-3-6.

25 (B) A recorded image showing the vehicle at the time of the
26 alleged traffic violation.

27 (C) A verified statement by a law enforcement officer
28 authorized to enforce this section stating that:

29 (i) based upon inspection of recorded images, the
30 operator of the vehicle committed a traffic violation; and

31 (ii) the traffic violation was not otherwise authorized by
32 law.

33 (D) Information regarding how the owner of the vehicle
34 that is the subject of the recorded image may provide the
35 name and address of the individual alleged to have been
36 operating the vehicle at the time of the traffic violation, if
37 the owner was not the operator.

38 (E) Any other information usually transmitted to
39 individuals alleged to have committed a traffic violation.

40 All documents and other information required under this
41 subdivision must be sent by regular mail addressed to the
42 owner of the vehicle and postmarked not later than ten (10)



days after the date of the alleged traffic violation.

(7) A regular inspection schedule for all hardware, including cameras, installed under the terms of the enforcement agreement.

(8) Subject to the deduction of court costs under IC 34-28-5-5(f), a requirement that civil penalties collected under this chapter be deposited as follows:

(A) A percentage, not to exceed twenty-five percent (25%), in the general fund of the entity listed in section 8 of this chapter that is a party to the agreement to pay for the costs of the agreement, including:

(i) payments to the contractor under the terms of the agreement; and

(ii) other administrative and enforcement costs identified in the agreement.

(B) The remainder as follows:

(i) For a civil penalty imposed for a judgment for committing a traffic violation described in section 7(1) of this chapter, in the spinal cord and brain injury fund established by IC 16-41-42.2-3.

(ii) For a civil penalty imposed for a judgment for committing a traffic violation described in section 7(2) of this chapter, fifty percent (50%) in the general fund of the school corporation or nonpublic school and fifty percent (50%) in the spinal cord and brain injury fund established by IC 16-41-42.2-3.

(9) Any other provisions that the parties to the enforcement agreement consider necessary.

Sec. 10. There is a rebuttable presumption that the owner of a vehicle that is the subject of a recorded image was operating the vehicle when the image was recorded. The presumption does not apply to the owner of a vehicle that is the subject of a recorded image if the owner routinely engages in the business of renting the vehicle for periods of thirty (30) days or less.

Sec. 11. The bureau may not assess points under the point system for a traffic violation that is enforced through camera enforcement.

Sec. 12. (a) An individual against whom a judgment is entered for committing a traffic violation that was detected and enforced through camera enforcement is liable for a civil penalty as follows:

(1) If the individual does not have a prior adjudication based on the same traffic violation within the previous five (5) years,



three hundred dollars (\$300).

(2) If the individual has one (1) prior adjudication based on the same traffic violation within the previous five (5) years, seven hundred fifty dollars (\$750).

(3) If the individual has more than one (1) prior adjudication based on the same traffic violation within the previous five (5) years, one thousand dollars (\$1,000).

(b) A civil penalty imposed under this section shall be deposited under the terms of the enforcement agreement under which the traffic violation for which the civil penalty was imposed was enforced.

(c) A civil penalty imposed under this section is the only penalty that may be imposed under this chapter for a traffic violation. Notwithstanding IC 34-28-5-4, an individual against whom a judgment is entered for a traffic violation that is enforced by camera enforcement is not liable for the amount prescribed in IC 34-28-5-4(a) or for additional court costs. However, a court may deduct costs from the civil penalty imposed under subsection (a) as long as the amount imposed on the individual does not exceed the applicable amount set forth in this section.

SECTION 19. IC 16-41-42.2-4, AS AMENDED BY P.L.141-2014, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The fund is to be used for the following purposes:

(1) Establishing and maintaining a state medical surveillance registry for traumatic spinal cord and brain injuries.

(2) Fulfilling the duties of the board established by section 5 of this chapter.

(3) Funding research related to the treatment and cure of spinal cord and brain injuries, including acute management, medical complications, rehabilitative techniques, and neuronal recovery. Research must be conducted in compliance with all state and federal laws.

(4) Develop a statewide trauma system.

~~However,~~ (b) Not more than fifty percent (50%) of money in the fund may be used for purposes of developing a statewide trauma system.

(c) One hundred percent (100%) of money deposited in the fund under IC 9-21-22-12(b) must be used for purposes of developing a statewide trauma system.

SECTION 20. IC 33-37-4-1, AS AMENDED BY P.L.182-2009(ss), SECTION 392, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2015]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A marijuana eradication program fee (IC 33-37-5-7).

(3) An alcohol and drug services program user fee (IC 33-37-5-8(b)).

(4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).

(5) A drug abuse, prosecution, interdiction, and correction fee (IC 33-37-5-9).

(6) An alcohol and drug countermeasures fee (IC 33-37-5-10).

(7) A child abuse prevention fee (IC 33-37-5-12).

(8) A domestic violence prevention and treatment fee (IC 33-37-5-13).

(9) A highway work zone fee (IC 33-37-5-14).

(10) A deferred prosecution fee (IC 33-37-5-17).

(11) A document storage fee (IC 33-37-5-20).

(12) An automated record keeping fee (IC 33-37-5-21).

(13) A late payment fee (IC 33-37-5-22).

(14) A sexual assault victims assistance fee (IC 33-37-5-23).

(15) A public defense administration fee (IC 33-37-5-21.2).

(16) A judicial insurance adjustment fee (IC 33-37-5-25).

(17) A judicial salaries fee (IC 33-37-5-26).

(18) A court administration fee (IC 33-37-5-27).

(19) A DNA sample processing fee (IC 33-37-5-26.2).

(c) Instead of the criminal costs fee prescribed by this section, except for the automated record keeping fee (IC 33-37-5-21), the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-39-1-8 requires payment of those fees by the accused person. The pretrial diversion program fee is:

(1) an initial user's fee of fifty dollars (\$50); and

(2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, not later than thirty (30) days after the



1 fees are collected:

- 2 (1) The pretrial diversion fee.
- 3 (2) The marijuana eradication program fee.
- 4 (3) The alcohol and drug services program user fee.
- 5 (4) The law enforcement continuing education program fee.

6 The auditor or fiscal officer shall deposit fees transferred under this
7 subsection in the appropriate user fee fund established under
8 IC 33-37-8.

9 (e) Unless otherwise directed by a court, if a clerk collects only part
10 of a criminal costs fee from a defendant under this section, the clerk
11 shall distribute the partial payment of the criminal costs fee as follows:

- 12 (1) The clerk shall apply the partial payment to general court
13 costs.
- 14 (2) If there is money remaining after the partial payment is
15 applied to general court costs under subdivision (1), the clerk
16 shall distribute the remainder of the partial payment for deposit in
17 the appropriate county user fee fund.
- 18 (3) If there is money remaining after distribution under
19 subdivision (2), the clerk shall distribute the remainder of the
20 partial payment for deposit in the state user fee fund.
- 21 (4) If there is money remaining after distribution under
22 subdivision (3), the clerk shall distribute the remainder of the
23 partial payment to any other applicable user fee fund.
- 24 (5) If there is money remaining after distribution under
25 subdivision (4), the clerk shall apply the remainder of the partial
26 payment to any outstanding fines owed by the defendant.

27 SECTION 21. IC 33-37-4-2, AS AMENDED BY P.L.182-2009(ss),
28 SECTION 393, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) Except as provided in
30 subsections (d) and (e), for each action that results in a judgment:

- 31 (1) for a violation constituting an infraction; or
- 32 (2) for a violation of an ordinance of a municipal corporation (as
33 defined in IC 36-1-2-10);

34 the clerk shall collect from the defendant an infraction or ordinance
35 violation costs fee of seventy dollars (\$70).

36 (b) In addition to the infraction or ordinance violation costs fee
37 collected under this section, the clerk shall collect from the defendant
38 the following fees, if they are required under IC 33-37-5:

- 39 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
40 IC 33-37-5-4).
- 41 (2) An alcohol and drug services program user fee
42 (IC 33-37-5-8(b)).



- 1 (3) A law enforcement continuing education program fee
- 2 (IC 33-37-5-8(c)).
- 3 (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 4 (5) A ~~highway~~ work zone fee (IC 33-37-5-14).
- 5 (6) A deferred prosecution fee (IC 33-37-5-17).
- 6 (7) A jury fee (IC 33-37-5-19).
- 7 (8) A document storage fee (IC 33-37-5-20).
- 8 (9) An automated record keeping fee (IC 33-37-5-21).
- 9 (10) A late payment fee (IC 33-37-5-22).
- 10 (11) A public defense administration fee (IC 33-37-5-21.2).
- 11 (12) A judicial insurance adjustment fee (IC 33-37-5-25).
- 12 (13) A judicial salaries fee (IC 33-37-5-26).
- 13 (14) A court administration fee (IC 33-37-5-27).
- 14 (15) A DNA sample processing fee (IC 33-37-5-26.2).

15 (c) The clerk shall transfer to the county auditor or fiscal officer of
 16 the municipal corporation the following fees, not later than thirty (30)
 17 days after the fees are collected:

- 18 (1) The alcohol and drug services program user fee
- 19 (IC 33-37-5-8(b)).
- 20 (2) The law enforcement continuing education program fee
- 21 (IC 33-37-5-8(c)).
- 22 (3) The deferral program fee (subsection (e)).

23 The auditor or fiscal officer shall deposit the fees in the user fee fund
 24 established under IC 33-37-8.

25 (d) The defendant is not liable for any ordinance violation costs fee
 26 in an action if all the following apply:

- 27 (1) The defendant was charged with an ordinance violation
- 28 subject to IC 33-36.
- 29 (2) The defendant denied the violation under IC 33-36-3.
- 30 (3) Proceedings in court against the defendant were initiated
- 31 under IC 34-28-5 (or IC 34-4-32 before its repeal).
- 32 (4) The defendant was tried and the court entered judgment for
- 33 the defendant for the violation.

34 (e) Instead of the infraction or ordinance violation costs fee
 35 prescribed by subsection (a), except for the automated record keeping
 36 fee (IC 33-37-5-21), the clerk shall collect a deferral program fee if an
 37 agreement between a prosecuting attorney or an attorney for a
 38 municipal corporation and the person charged with a violation entered
 39 into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires
 40 payment of those fees by the person charged with the violation. The
 41 deferral program fee is:

- 42 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and



(2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

(f) The fees prescribed by this section are costs for purposes of IC 34-28-5-5 and may be collected from a defendant against whom judgment is entered. **Except as provided in IC 9-21-22-12 and IC 34-28-5-5(f) for a traffic violation enforced through camera enforcement under IC 9-21-22**, any penalty assessed is in addition to costs.

SECTION 22. IC 33-37-5-14, AS AMENDED BY P.L.85-2013, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. (a) This section applies to criminal, infraction, and ordinance violation actions that are traffic offenses (as defined in IC 9-13-2-183).

(b) The clerk shall collect a ~~highway worksite work~~ zone fee of fifty cents (\$0.50). However, the clerk shall collect a ~~highway worksite work~~ zone fee of twenty-five dollars and fifty cents (\$25.50) if:

(1) the criminal action, infraction, or ordinance violation is:

(A) exceeding a ~~worksite work zone~~ speed limit (~~as provided in IC 9-21-5-2 and authorized by IC 9-21-5-3~~); **established under IC 9-21-5-11**; or

(B) failure to merge (as provided in IC 9-21-8-7.5); and

(2) the judge orders the clerk to collect the fee for exceeding a ~~worksite work zone~~ speed limit or failure to merge.

SECTION 23. IC 33-37-7-2, AS AMENDED BY P.L.284-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-3(a) (juvenile costs fees).

(4) IC 33-37-4-4(a) (civil costs fees).

(5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(6) IC 33-37-4-7(a) (probate costs fees).

(7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the



auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

(3) One hundred percent (100%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).

(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).

(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

(6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.

(7) The following:

(A) For a county operating under the state's automated judicial system, one hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(B) This clause applies before July 1, 2013, and after June 30, 2015. For a county not operating under the state's automated judicial system, eighty percent (80%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(C) This clause applies after June 30, 2013, and before July 1, 2015. For a county not operating under the state's automated judicial system, five dollars (\$5) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.



(d) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(e) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance account established by IC 5-2-6-23(h) one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(f) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) or the successor statewide automated support enforcement system collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS or the successor statewide automated support enforcement system collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the department of child services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS, or the successor statewide automated support enforcement system, collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for



1 deposit in the county general fund.

2 (h) This subsection does not apply to court administration fees
3 collected in small claims actions filed in a court described in IC 33-34.
4 The clerk of a circuit court shall semiannually distribute to the auditor
5 of state for deposit in the state general fund one hundred percent
6 (100%) of the following:

7 (1) The public defense administration fee collected under
8 IC 33-37-5-21.2.

9 (2) The judicial salaries fees collected under IC 33-37-5-26.

10 (3) The DNA sample processing fees collected under
11 IC 33-37-5-26.2.

12 (4) The court administration fees collected under IC 33-37-5-27.

13 (i) The clerk of a circuit court shall semiannually distribute to the
14 auditor of state for deposit in the judicial branch insurance adjustment
15 account established by IC 33-38-5-8.2 one hundred percent (100%) of
16 the judicial insurance adjustment fee collected under IC 33-37-5-25.

17 (j) The proceeds of the service fee collected under
18 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
19 follows:

20 (1) The clerk shall distribute one hundred percent (100%) of the
21 service fees collected in a circuit, superior, county, or probate
22 court to the county auditor for deposit in the county general fund.

23 (2) The clerk shall distribute one hundred percent (100%) of the
24 service fees collected in a city or town court to the city or town
25 fiscal officer for deposit in the city or town general fund.

26 (k) The proceeds of the garnishee service fee collected under
27 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
28 follows:

29 (1) The clerk shall distribute one hundred percent (100%) of the
30 garnishee service fees collected in a circuit, superior, county, or
31 probate court to the county auditor for deposit in the county
32 general fund.

33 (2) The clerk shall distribute one hundred percent (100%) of the
34 garnishee service fees collected in a city or town court to the city
35 or town fiscal officer for deposit in the city or town general fund.

36 (l) The clerk of the circuit court shall distribute semiannually to the
37 auditor of state for deposit in the home ownership education account
38 established by IC 5-20-1-27 one hundred percent (100%) of the
39 following:

40 (1) The mortgage foreclosure counseling and education fees
41 collected under IC 33-37-5-32 (before its expiration on January
42 1, 2015).



(2) Any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under IC 32-30-10.5.

(m) This subsection applies to a county that is not operating under the state's automated judicial system. The clerk of a circuit court shall distribute monthly to the county auditor the following part of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a) for deposit in the clerk's record perpetuation fund:

(1) Twenty percent (20%), before July 1, 2013, and after June 30, 2015.

(2) Two dollars (\$2) of each fee collected, after June 30, 2013, and before July 1, 2015.

(n) The clerk of a circuit court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2017, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

(1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and

(2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund.

SECTION 24. IC 33-37-7-8, AS AMENDED BY P.L.136-2012, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion



program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(b) The city or town fiscal officer shall distribute monthly to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(d) The clerk of a city or town court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (4) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
- (5) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(e) The clerk of a city or town court shall distribute monthly to the county auditor the following:



(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the following:

(1) The late payment fees collected under IC 33-37-5-22.

(2) The small claims service fee collected under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).

(3) The small claims garnishee service fee collected under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).

The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.

(g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The DNA sample processing fees collected under IC 33-37-5-26.2.

(3) The court administration fees collected under IC 33-37-5-27.

(h) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(i) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund seventy-five percent (75%) of the judicial salaries fee collected under IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five percent (25%) of the judicial salaries fee collected under IC 33-37-5-26. The funds retained by the city or town shall be prioritized to fund city or town court operations.

(j) The clerk of a city or town court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal



1 services fees collected before July 1, 2017, under IC 33-37-5-31. The
 2 auditor of state shall transfer semiannually the pro bono legal services
 3 fees to the Indiana Bar Foundation (or a successor entity) as the entity
 4 designated to organize and administer the interest on lawyers trust
 5 accounts (IOLTA) program under Rule 1.15 of the Rules of
 6 Professional Conduct of the Indiana supreme court. The Indiana Bar
 7 Foundation shall:

8 (1) deposit in an appropriate account and otherwise manage the
 9 fees the Indiana Bar Foundation receives under this subsection in
 10 the same manner the Indiana Bar Foundation deposits and
 11 manages the net earnings the Indiana Bar Foundation receives
 12 from IOLTA accounts; and

13 (2) use the fees the Indiana Bar Foundation receives under this
 14 subsection to assist or establish approved pro bono legal services
 15 programs.

16 The handling and expenditure of the pro bono legal services fees
 17 received under this section by the Indiana Bar Foundation (or its
 18 successor entity) are subject to audit by the state board of accounts. The
 19 amounts necessary to make the transfers required by this subsection are
 20 appropriated from the state general fund.

21 SECTION 25. IC 34-28-5-5, AS AMENDED BY P.L.106-2010,
 22 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2015]: Sec. 5. (a) **Except as provided in subsection (f)**, a
 24 defendant against whom a judgment is entered is liable for costs. Costs
 25 are part of the judgment and may not be suspended except under
 26 IC 9-30-3-12. Whenever a judgment is entered against a person for the
 27 commission of two (2) or more civil violations (infractions or
 28 ordinance violations), the court may waive the person's liability for
 29 costs for all but one (1) of the violations. This subsection does not
 30 apply to judgments entered for violations constituting:

31 (1) Class D infractions; or

32 (2) Class C infractions for unlawfully parking in a space reserved
 33 for a person with a physical disability under IC 5-16-9-5 or
 34 IC 5-16-9-8.

35 (b) If a judgment is entered:

36 (1) for a violation constituting:

37 (A) a Class D infraction; or

38 (B) a Class C infraction for unlawfully parking in a space
 39 reserved for a person with a physical disability under
 40 IC 5-16-9-5 or IC 5-16-9-8; or

41 (2) in favor of the defendant in any case;

42 the defendant is not liable for costs.



(c) Except for costs, and except as provided in ~~subsection~~ **subsections (e) and (f)** and IC 9-21-5-11(e), the funds collected as judgments for violations of statutes defining infractions shall be deposited in the state general fund.

(d) A judgment may be entered against a defendant under this section or section 4 of this chapter upon a finding by the court that the defendant:

(1) violated:

(A) a statute defining an infraction; or

(B) an ordinance; or

(2) consents to entry of judgment for the plaintiff upon a pleading of nolo contendere for a moving traffic violation.

(e) The funds collected for an infraction judgment described in section 4(h) of this chapter shall be transferred to a dedicated county fund. The money in the dedicated county fund does not revert to the county general fund or state general fund and may be used, after appropriation by the county fiscal body, only for the following purposes:

(1) To pay compensation of commissioners appointed under IC 33-33-49.

(2) To pay costs of the county's guardian ad litem program.

(f) Notwithstanding subsection (c), civil penalties collected as a judgment under IC 9-21-22-12 for a traffic violation that is enforced by camera enforcement under IC 9-21-22 shall be deposited in the spinal cord and brain injury fund established by IC 16-41-42.2-3 to be used solely to develop a statewide trauma system. To the extent an individual is liable for costs for the traffic violation, the costs may be deducted from the judgment and may not cause the individual to be liable for an amount greater than the civil penalty set forth in IC 9-21-22-12(a).



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1404, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 3. IC 9-13-2-39.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 39.7. "Critical work zone" means an area:**

- (1) that is located within a work zone;**
- (2) in which:**
 - (A) the normal path is offset;**
 - (B) the road surface is significantly disturbed; or**
 - (C) road machinery is located; and**
- (3) that is designated with signage that identifies the beginning and end of the critical work zone."**

Page 3, delete lines 29 through 34, begin a new line block indented and insert:

"(2) The use of camera enforcement to enforce violations of IC 9-21-5-11 in a critical work zone, including applicable penalties under IC 9-21-22-12."

Page 3, line 35, strike "(b)" and insert "**(b)(1)**".

Page 4, between lines 3 and 4, begin a new paragraph and insert:

"(d) A sign described in subsection (b)(2) shall be posted at a reasonable distance before a critical work zone by:

- (1) the Indiana department of transportation;**
 - (2) a political subdivision; or**
 - (3) a contractor of the:**
 - (A) Indiana department of transportation; or**
 - (B) political subdivision;**
- that is working at the critical work zone.**

A sign that is posted before a critical work zone must be posted in accordance with the Indiana Manual on Uniform Traffic Control Devices or the Indiana Work Zone Traffic Control Manual."

Page 5, line 16, after "enforced" insert "**in a critical work zone**".

Page 8, delete lines 5 through 7.

Page 9, line 2, after "a" insert "**critical**".



Page 9, line 9, delete "IC 9-21-5-11." and insert "**IC 9-21-5-11 that occurs in a critical work zone.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1404 as introduced.)

SOLIDAY

Committee Vote: yeas 10, nays 2.

